

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID PETERSON and DEBORAH  
PETERSON, individually, and as husband  
and wife,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 2:19-cv-00312-JLR

STIPULATED MOTION AND ORDER  
TO EXTEND EXPERT DISCLOSURE  
AND DISCOVERY CUTOFF  
DEADLINES

NOTING DATE: MARCH 23, 2020

COMES NOW the Plaintiffs, by and through counsel, Anthony Marsh, and the Defendant,  
United States of America, by and through its counsel, Brian T. Moran, United States Attorney for  
the Western District of Washington, and Heather C. Costanzo, Assistant United States Attorney  
for said District, pursuant to Local Rule 10(g), and hereby jointly stipulate and move as follows:

The parties stipulate to moving the deadlines to amend pleadings, disclose expert  
witnesses, file motions related to discovery, and the completion of discovery by no more than 28  
days, up to the dispositive motion deadline as follows:

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	CURRENT DEADLINES	NEW DEADLINES
<b>Amend pleadings</b>	3/25/20	4/22/20
<b>Disclosure of expert testimony under FRCP 26(a)(2)</b>	3/25/20	4/22/20
<b>All motions related to discovery must be filed by</b>	4/24/20	5/22/20
<b>Discovery completed by</b>	5/26/20	6/23/20 <sup>1</sup>

The parties submit there is good cause for an extension of the deadlines by 28-days, such that discovery would be completed by the dispositive motion deadline in accordance with the Court's guidance on the March 20, 2020 telephone conference. First, on February 29, 2020 Governor Jay Inslee declared a state of emergency in Washington in response to the cases of COVID-19 in the state.<sup>2</sup> On March 11, 2020, the World Health Organization publicly characterized COVID-19 as a pandemic.<sup>3</sup> The President declared a National Emergency in an effort to address the spread of COVID-19 on March 13, 2020.<sup>4</sup> On March 16, 2020, the President announced new guidance to slow the spread of the virus, including avoiding groups of more than 10 people and working or schooling from home whenever possible.<sup>5</sup> This guidance follows recommendations by the Centers for Disease Control to engage in social distancing, and, in some

<sup>1</sup> The deadline for dispositive motions and motions challenging expert witness testimony is June 23, 2020. Dkt. 16.

<sup>2</sup> <https://www.governor.wa.gov/news-media/inslee-issues-covid-19-emergency-proclamation> (last accessed March 23, 2020).

<sup>3</sup> Centers for Disease Control and Prevention. "Coronavirus Disease 2019 (COVID-19): Situation Summary," <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html> (last accessed Mar. 23, 2020).

<sup>4</sup> See <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/> (last accessed Mar. 23, 2020).

<sup>5</sup> See The President's Coronavirus Guidelines for America, [https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20\\_coronavirus-guidance\\_8.5x11\\_315PM.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf) (last accessed Mar. 23, 2020).

1 | circumstances, to close schools.<sup>6</sup> This has affected the ability of the undersigned counsel to  
2 | conduct in-person meetings, depositions, and other work, which has created a backlog. Further,  
3 | as the current pandemic and social distancing guidelines are expected to be in place for some time,  
4 | it will affect the ability to conduct depositions in this case and the scheduling and availability for  
5 | depositions due to the workload on other cases. In addition, an expert witness retained by the  
6 | United States recently experienced a family health emergency, which has also been affected by the  
7 | current health crisis in light of travel and other restrictions, thus affecting the ability to provide  
8 | timely expert disclosures. The brief extension of the expert disclosure and discovery deadlines  
9 | will allow additional time to address these issues, while not affecting the dispositive motion  
10 | deadline or trial date.  
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14 | Dated this 23rd day of March, 2020.  
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16 | HERRMANN LAW GROUP

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United States Attorney

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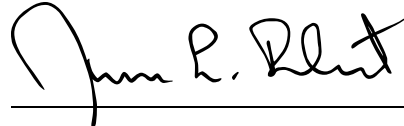
Attorney for Defendant United States

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28 | <sup>6</sup> See Centers for Disease Control and Prevention. "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission, <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf> (last accessed Mar. 23, 2020).

**ORDER**

**IT IS SO ORDERED.**

Dated this 25th day of March, 2020.

A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

JAMES L. ROBART  
United States District Judge